

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

HENRY LUJAN, *et al.*,

Plaintiffs,

v.

GORDON WESLEY THOMAS, *et al.*,

Defendants.

Case No.: 2:16-cv-02694-NJK

ORDER RE: TRIAL

This case is set for trial on November 9, 2020, at 9:00 a.m. in Courtroom 3C, with a pretrial conference set for November 4, 2020, at 10:00 a.m. in Courtroom 3C.

1. **WITNESSES.** Counsel shall immediately subpoena all witnesses for the time and trial date as listed above.

2. **COUNSEL FOR ALL PARTIES SHALL COMPLY WITH THE FOLLOWING:**

a. **STIPULATIONS FOR CONTINUANCE OF TRIAL DATE.** On or before October 26, 2020, the parties shall file with the Clerk of Court all stipulations for continuance of the trial date.

b. **MOTIONS IN LIMINE.** On or before October 5, 2020, the parties shall file any motions in limine. All motions in limine must include a certificate that the parties participated in the meet and confer process but were unable to resolve the matter without Court involvement. Responses shall be filed no later than October 12, 2020. Replies shall be filed only with leave of court. To the extent the Court has not yet ruled on motions in limine, the parties shall be prepared to argue the motions at the pretrial conference set for November 4, 2020.

c. **STATEMENT OF THE CASE.** On or before October 26, 2020, the parties shall file a brief statement of the case, no longer than one-half page, stating the nature of the claims and defenses, to be read to prospective jurors at the time of jury selection.

- 1 d. **SUGGESTED VOIR DIRE QUESTIONS.** On or before October 26, 2020, the
2 parties shall file all suggested voir dire questions to be asked of the jury panel by the
3 Court.
- 4 e. **WITNESS LISTS.** On or before October 26, 2020, the parties shall file the original
5 list of witnesses expected to be called on behalf of each party for use by the Court
6 during jury selection.
- 7 f. **EXHIBIT LISTS.** On or before October 26, 2020, the parties shall file the original
8 complete exhibit list of all exhibits intended to be used during the trial. At the same
9 time, each party shall serve upon all other parties a copy of the same. The exhibits are
10 to be listed on a form provided by the Clerk's Office or obtained from the Court's
11 website www.nvd.uscourts.gov and may be computer-generated, if they conform to the
12 requirements of the form that is provided by the Clerk.
- 13 g. **MARKING EXHIBITS.** On or before October 26, 2020, the parties shall meet,
14 confer, pre-mark and exchange all trial exhibits. Plaintiffs shall use numerals 1 through
15 500 and Defendants shall use numerals 501 through 1,000. Exhibits that are on the
16 same subject matter may be marked as a series, that is, Plaintiffs 1-A, 1-B, etc. and
17 Defendants 501-A, 501-B, etc. Counsel shall file a notice confirming that the exhibits
18 have been pre-marked.
- 19 h. **EXHIBIT BINDERS.** If a party's total documentary exhibits exceed 15 pages, the
20 party's exhibits are to be placed in a 3-ring binder with numbered dividers. The binder
21 shall be clearly marked on the front and side with the case caption and number and the
22 sequence of exhibits. At the commencement of trial, counsel shall provide the
23 Courtroom Administrator with the binder containing the original exhibits and a
24 courtesy set for the trial judge. The exhibits shall remain in the custody of the clerk,
25 unless otherwise ordered.
- 26 i. **JURY INSTRUCTIONS AND VERDICT FORMS.** On or before October 26, 2020,
27 the parties shall jointly file a set of agreed upon jury instructions and proposed verdict
28 forms. A copy of the agreed upon jury instructions and verdict forms shall also be

submitted in **Word** format to chambers by e-mail to the Court's e-mail address: NJK_Chambers@nvd.uscourts.gov. The parties shall submit additional proposed jury instructions and verdict forms in **Word** format to chambers by e-mail at the same e-mail address. The latter must include the authority and argument for each instruction. Any modifications of instructions from statutory authority, the Ninth Circuit Manual of Model Jury Instructions, or any other model instructions, must specifically state the modification made to the original source and the authority and argument supporting the modification.

- j. **TRIAL BRIEFS.** On or before October 26, 2020, the parties shall file their trial briefs. Each party shall concurrently serve a copy of its trial brief on the other parties to this action. Additionally, each party shall deliver directly to the undersigned's box in the Clerk's Office two copies of its trial brief at the time the original is filed. The trial briefs shall contain a concise statement of the facts which the parties believe the evidence will show, their theories of recovery or defense, and a factual and legal discussion of evidentiary problems or special issues which the parties anticipate will arise at trial.
3. **TRIAL SCHEDULE.** Trial will generally begin at 9:00 a.m. and end at 5:00 p.m. Monday through Friday. However, parties should plan to be available between 8:00 a.m. and 9:00 a.m. each day of trial to address matters outside the presence of the jury. This standard trial schedule may be modified for good cause; however, requests should be submitted at the Pretrial Conference or before the written trial schedule is issued to jurors.
4. **USE OF EVIDENCE DISPLAY EQUIPMENT.** Counsel wishing to use the Court's evidence display equipment should contact the Courtroom Administrator at least two weeks before trial for training or instruction and availability for use at trial.
5. **EXPEDITED OR DAILY TRANSCRIPTS.** Any party that will require expedited or daily transcripts shall notify the Electronic Court Recorder Operator (ECRO), at 702-464-5434, immediately upon receipt of this order. The ECRO will provide instructions with respect to

1 expedited or daily transcripts. Failure to timely notify the ECRO may result in an inability to
2 provide expedited or daily transcripts.

3 6. **SANCTIONS.** As provided for under the Local Rules of Practice of this Court, the Court
4 will consider the imposition of sanctions against any attorney who (1) fails to timely comply
5 with the provisions of this Order including, but not limited to, the failure to appear for the
6 Pretrial Conference without having been excused by the Court or the clerk with the permission
7 of the Court; or (2) fails to timely comply with any other order that schedules deadlines for
8 trial preparation.

9 7. **CONTACT PERSON.** All questions and information regarding the trial calendar are to be
10 directed to **Ari Caytuero**, Courtroom Administrator, at Ari_Caytuero@nvd.uscourts.gov or
11 (702) 464-5566.

12 IT IS SO ORDERED.

13 Dated: May 18, 2020.

14 
15 _____
16 Nancy J. Koppe
17 United States Magistrate Judge
18
19
20
21
22
23
24
25
26
27
28